

## INITIAL STUDY

**PROJECT FILE NO.:** PDC 04-016

**PROJECT DESCRIPTION:** Planned Development Rezoning from R-1-8 Single-Family Residence District to A(PD) Planned Development District to allow the subdivision of one lot to six single-family detached residences on a 0.73 gross acre site.

**PROJECT LOCATION:** Between Mount Pleasant Road and Mount Kenya Drive, approximately 250 feet northerly of Marten Avenue (1795 Mount Pleasant Road).

**GENERAL PLAN DESIGNATION:** Medium Low Density Residential (8 du/ac) **ZONING:** R-1-8

**SURROUNDING LAND USES:**

North: Single-Family Residence

South: Single-Family Residence

East: Single-Family Residence

West: Single-Family Residence

**PROJECT APPLICANT'S NAME AND ADDRESS:**

Kurt Anderson  
for Robbins, Norman C  
778 North First Street, #200  
San Jose, CA 95112

**DETERMINATION**

**On the basis of this initial study:**

<input type="checkbox"/>	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are included in the project, and further analysis is not required.

June 24, 2004

Date

Signature

Name of Preparer: Mike Mena  
Phone No.: (408) 277-4576

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**I. AESTHETICS - Would the project:**

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
e) Increase the amount of shade in public and private open space on adjacent sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**FINDINGS:** The proposed project would allow a six (6) lot single-family detached development consistent with the surrounding single-family detached neighborhood. The proposed rezoning would not result in a development, which would substantially effect scenic vistas, historic resources and/or heritage trees nor create substantial light and glare from what currently exists in the immediate area.

**MITIGATION MEASURES:** No mitigation is required.

**II. AGRICULTURE RESOURCES - Would the project:**

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3

**FINDINGS:** The subject site is currently zoned R-1-8 Single Family Residence District. The surrounding area is currently built-out as a residential subdivision. The project site is not located in an area identified as prime farmland. Therefore, the proposed project will not result in a significant impact on the City's or Region's agricultural resources.

**MITIGATION MEASURES:** No mitigation is required.

**III. AIR QUALITY - Would the project:**

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,13
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,13
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,13
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,13
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,13

**FINDINGS:** The City of San Jose uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts. Based on the BAAQMD threshold of significance,

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projects that generate fewer than 2,000 vehicle trips per day are not considered major air pollutant contributors and do not require a technical air quality study. As this project will only generate approximately 30 vehicle trips per day, no air quality study was prepared for this project.

Temporary Air Quality impacts may result from demolition of the existing structure(s) and other construction activities on the subject site. Implementation of the mitigation measures listed below will reduce the temporary construction impacts to a less than significant level.

#### MITIGATION MEASURES:

The following construction practices shall be implemented during all phases of construction for the proposed project.

- Water all active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
- Sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust.
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

#### BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,9
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,10
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

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**FINDINGS:** The City of San José has established regulations for removal of landscape trees. The proposed project will obtain a permit for the removal of ordinance-sized trees and provide for the replacement of removed trees in conformance with the City of San José Tree Ordinance. There are currently eleven (11) trees on the site ranging from 6 inches to 17 inches in circumference. Of the eleven (11) trees, eight (8) are proposed to be removed as a result of the subject project.

**MITIGATION MEASURES:**

All non-orchard trees that are to be removed shall be replaced at the following ratios:

- Each tree less than 12” in diameter to be removed = one 15 gallon tree
- Each tree 12” to 18” diameter to be removed = two 24” box trees
- Trees greater than 18” diameter shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees. Each tree greater than 18” diameter to be removed = four 24” box trees

The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented at the permit stage:

- An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the City’s Environmental Principal Planner.
- A donation of \$300 per mitigation tree to San Jose Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

The following tree protection measures will also be included in the project in order to protect trees to be retained during construction:

- Pre-construction treatments
  1. The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
  2. Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
  3. Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.
- During construction
  1. No grading, construction, demolition or other work shall occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
  2. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
  3. Supplemental irrigation shall be applied as determined by the consulting arborist.
  4. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.

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5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE.
6. Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
7. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

#### IV. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6, 26
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7

**FINDINGS:** A historic report, dated September 10, 2004, was prepared for the subject site. The report indicated that the structure(s) at 1795 Mount Pleasant Road was constructed circa 1912. The proposed project includes the demolition of the existing home and associated buildings to make way for a future development. The subject house is not listed on the National Register or the California Register, and does not appear to be eligible for listing in either of these registers. The house and its associated structures received a point score of 23.66 on the City of San Jose's Historic Resource Evaluation. This score identifies the home as a non-significant structure. Therefore, it was concluded that the proposed demolition of this building would have no impact on cultural resources.

The project site is not located in an area designated as archeologically Sensitive. As required by County ordinance, this project has incorporated the following guidelines. - Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

**MITIGATION MEASURES:** No mitigation is required.

#### V. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4,23
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4,23

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3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4,23
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4,23
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4,23
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4,23
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4,23
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4,23

FINDINGS: The site is not located within a Geologic Hazard Zone. However, the project site is located within the seismically active San Francisco region, which requires that the building be designed and built in conformance with the requirements of the 1997 Uniform Building Code for Seismic Zone 4. As the project includes these required measures, the potential for seismic impacts will be less than significant.

#### MITIGATION MEASURES:

#### VI. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 25
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,11, 25
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS: A Phase I Soils Report was conducted for the subject development. The report concluded that, based on site reconnaissance and database review the development would not expose future residence to contaminated soils or hazardous materials.

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Development of the proposed project will require the demolition of two (2) structures on the site, which may contain asbestos building materials and/or lead-based paint. In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.

All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.

During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

Demolition done in conformance with these Federal, State and Local laws and regulations, will avoid significant exposure of construction workers and/or the public to asbestos and lead-based paint.

MITIGATION MEASURES: No mitigation required.

#### **VII. HYDROLOGY AND WATER QUALITY - Would the project:**

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,15
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,17
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
j) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

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**FINDINGS:** The proposed project is 0.73 acres in size. The site is currently covered with minimal impervious surfaces consisting mostly of the footprint of the existing structures on site (approximately 4,000 square feet). The proposed project for six (6) single family detached units would increase the amount of impervious surface consisting of the new residential footprints and driveway and patio areas. The project will be designed to incorporate post construction measures to reduce the amount of impervious surface by using pervious pavement(s), disconnected downspouts, bioswales, and the like.

The project could result in temporary water quality impacts during construction activity and from the increase of impervious surfaces resulting from the proposed development. The required mitigation listed below would reduce these potential impacts to a less than significant level.

The project site does contain an existing domestic water well(s) and septic system on site. The subject project will require that the any existing wells and/or septic systems are removed/closed in conformance with applicable agency permits. The project developer will be required to close all water wells and remove all septic tank systems on the site, in compliance with the destruction standards of the Santa Clara Valley Water District, to the satisfaction of the Director of Public Works.

**Storm Water Management.** The project shall conform with the City of San Jose National Pollutant Discharge Elimination System (NPDES) Storm Water Permit and shall include Best Management Practices (BMPs) as specified in the *Blueprint for a Clean Bay* to control the discharge of storm water pollutants including sediments associated with construction activities.

#### MITIGATION MEASURES:

- During construction, burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
- During construction, earthmoving or other dust producing activities would be suspended during periods of high winds.
- During construction, all exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
- During construction, stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
- During construction, all trucks hauling soil, sand and other loose materials would be covered and/or all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking and staging areas and residential streets adjacent to the construction sites would be swept daily with water sweepers.
- The proposed project shall implement post construction
- At the Planned Development Permit stage the project shall be designed to incorporate post construction measures to reduce the amount of impervious surface by using pervious pavement(s), disconnected downspouts, bioswales, and the like.
- Prior to obtaining building permits the project developer will be required to close all water wells and remove all septic tank systems on the site, in compliance with the destruction standards of the Santa Clara Valley Water District, to the satisfaction of the Director of Public Works.

#### VIII. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1



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c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
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**FINDINGS:** The proposed development is located within the Evergreen Development Policy Area. The Evergreen Development Policy Benefit Assessment District Map indicates the property has existing allocation for three (3) additional units beyond the existing single-family residence on the site. Therefore, the proposed six (6) unit project exceeds maximum of four (4) units permitted under the Evergreen Development Policy.

The Evergreen Development Policy addresses and sets limits on growth (total number of dwelling units) within this specific area so that the level of service of the area remains at an acceptable level. The Evergreen Development Policy together with the Evergreen Specific Plan identifies the means to create sufficient traffic capacity and guide the build out of vacant parcels within the Policy area. The funding to provide the needed infrastructure, which supports the established set number of dwelling units within the Policy area, was paid for by existing landowners/developers through an assessment district. Properties that did not pay into the assessment district were restricted from increasing the density of their properties without requiring the preparation of a Traffic Report and implementing the appropriate traffic mitigation to maintain an average level of service “D”.

As discussed in later sections of this report, a traffic study was prepared for the herein project that concluded that there is mitigation available which would reduce traffic impacts to a less than significant level and maintain the City’s level of service standards for this unique policy area. Therefore, with traffic mitigation incorporated into the project to maintain an average level of service “D” the project would be consistent with the Evergreen Development Policy.

The proposed project will not physically divide an established community. The proposed project complies with setbacks required by the City of San José Residential Design Guidelines in order to avoid possible impacts to surrounding land uses.

**MITIGATION MEASURES:** No mitigation is required.

#### **IX. MINERAL RESOURCES - Would the project:**

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,22
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,22

**FINDINGS:** The project site is within a developed urban area. The project would not result in a significant impact from the loss of availability of a known mineral resource.

**MITIGATION MEASURES:** No mitigation is required.

#### **X. NOISE - Would the project result in:**

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,12,17
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**FINDINGS:** The proposed use is consistent with the surrounding single-family residential neighborhood and is not expected to increase noise levels above existing conditions. However, during construction of the site there is expected to result in exposing persons to a temporary increase in the generation of noise levels in excess of standards established in the City's local General Plan. The mitigation measures required below would reduce noise impacts associated with construction activities to a less than significant level.

The project site is not located within an airport land use plan nor in the vicinity of a private airstrip.

#### MITIGATION MEASURES:

*Temporary Construction:* The following measures have been included to reduce potential construction related noise impacts.

1. Construction activities will be limited to the period between 7:00 AM and 7:00 PM Monday through Friday for any activity, on or off-site, within 500 feet of residential uses.
2. The contractor will be required to use "new technology" power construction equipment with state of the art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and would be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.

#### **XI. POPULATION AND HOUSING - Would the project:**

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**FINDINGS:** The project involves the development of an underutilized property, which is currently developed with one single-family detached home, with up to six single-family detached housing units at a density consistent with the General Plan designation for the site.

**MITIGATION MEASURES:** No mitigation is required.

#### **XII. PUBLIC SERVICES - Would the project:**

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

**FINDINGS:** The project site is located in an urbanized area of San Jose, and well served by existing Fire, Police, School, Park and other Public Facilities. No additional Fire or Police personnel or equipment are necessary to serve the proposed project. This project will be required to pay the applicable development impact fees to offset its effect on public services.

**MITIGATION MEASURES:** No mitigation is required.

### **XIII. RECREATION**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**FINDINGS:** The City of San José has adopted the Parkland Dedication Ordinance (PDO) (Chapter 19.38) and Park Impact Ordinance (PIO) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the Parkland Dedication Ordinance.

The proposed project would increase the number of residents on the site. Although the project would add to the residential population using nearby recreational facilities, it is not expected to increase the use of existing parks such that substantial deterioration would occur or be accelerated. This project will pay park impact fees consistent with the PIO to offset its incremental impacts.

**MITIGATION MEASURES:** No mitigation is required.

### **XIV. TRANSPORTATION / TRAFFIC - Would the project:**

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,18,24
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,18,24
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,18,24
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,18,24
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,18,24
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,18,24
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,18,24

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**FINDINGS:** The project proposes to build 6 dwelling units. This is not consistent with the unit allocation listed in Benefit Assessment District number 91-209SJ for the subject site. The allocation for this property is 3 dwelling units in addition to the 1 existing dwelling unit on the site for a total of 4 dwelling units. The applicant is proposing to increase the number of units on site by 2, for a total of 6 units.

A traffic report for the proposed project was reviewed by the Department of Public Works and subsequently issued a memorandum dated June 15, 2004, which indicated that the below mitigation would bring the project into conformance with the Evergreen Development Policy.

#### MITIGATION MEASURES:

The project is required to construct the following mitigations. These mitigations have also been conditioned with other projects. If the other projects proceed with constructing these mitigations, the subject project will be required to contribute the amount equivalent to the cost of the mitigations which is \$63,500.00 towards traffic improvements in the Evergreen Area.

- Capitol Expressway and Story Road. Install new pedestrian signals with the countdown feature within the crosswalks at this intersection location. This improvement would require removal of the old pedestrian signals and installation of the new countdown pedestrian signals at all four corners of the intersection.
- King Road and Tully Road. Add traffic cameras at four contiguous intersection locations on Tully Road, including the intersection of King Road and Tully Road. This improvement will require installation of traffic cameras, video conduit, cables and electrical work.

#### **XV. UTILITIES AND SERVICE SYSTEMS - Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,20
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,16
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,21
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,20
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,20
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,20

**FINDINGS:** The proposed project will not exceed wastewater treatment requirements, require construction of new water or wastewater facilities or result in construction of new stormwater facilities. The project will be served by existing solid waste facilities and will be in compliance with all applicable federal, state and local regulations related to solid waste. The proposed project shall conform to Chapter 15.2 of the San Jose Municipal Code, Water Pollution Control Plan

**MITIGATION MEASURES:** No mitigation required

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**XVI. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,15
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS: The area of development is currently developed with single-family dwellings. The proposed project will not have a significant effect in terms of the mandatory findings of significance in that the subject site does not contain any fish, wildlife, and endangered species or habitat. It does not contain significant historic resources. Identified environmental impacts can be reduced to a less than significant impact level with mitigation

MITIGATION MEASURES: See above mitigation measures.

**CHECKLIST REFERENCES**

1. San Jose 2020 General Plan
2. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
3. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
4. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
5. Riparian Corridor Policy Study 1994
6. San Jose Historic Resources Inventory
7. City of San Jose Archeological Sensitivity Maps
8. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
9. California Department of Fish & Game, California Natural Diversity Database, 2001
10. City of San Jose Heritage Tree Survey Report
11. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
12. City of San Jose Noise Exposure Map for the 2020 General Plan
13. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
14. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
15. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
16. Santa Clara Valley Water District
17. City of San Jose Title 20 Zoning Ordinance

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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18. San Jose Department of Public Works
19. San Jose Fire Department
20. San Jose Environmental Services Department
21. San Jose Water Company, Great Oaks Water Company
22. California Division of Mines and Geology
23. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
24. Mt. Kenya Residential Development Draft Transportation Impact Analysis by Hexagon Transportation Consultants Inc., dated April 13, 2004
25. Phase I Preliminary Environmental Site Assessment by Light, Air and Space Construction, dated August 11, 2004
26. Historic Evaluation of the Structures at 1795 Mount Pleasant Road in the City of San Jose by Archaeological Resource Management, dated January 6, 2003